

Unlawful Detainer Summary Procedures Chart

- **Appear and file responsive pleading:** Defendant has 5 days after service of summons and complaint to appear and file responsive pleading. [CCP §1167.] Only these responsive pleadings are allowed: answer, demurrer, motion to quash service of the summons. [CCP §§418.10(a), 1170.]
- **Precedence:** UD proceeding has legal precedence over all other civil actions. [CCP §1179a.]
- **No cross-complaint or counterclaim:** Defendant has no right to file cross-complaint or counterclaim, because possession is only issue being litigated. [*Vella v Hudgins* (1977) 20 C3d 251, 255.]
- **Responsive motions:** Motion to quash must be heard 3 to 7 days after notice [CCP §1167.4]; motion for summary judgment, within 5 days after notice [CCP §1170.7].
- **Trial setting:** UD trial must be set no later than 20 days after the filing of a memorandum to set trial. [CCP §1170.5(a).]
- **Extending time:** Any extension of time may not exceed 10 days without adverse party's consent. [CCP §1167.5.]
- **No judicial arbitration:** UD proceedings are exempt from judicial arbitration. [CRC 1601(b)(4).]
- **No economic litigation procedures:** Economic litigation procedures affecting limited civil actions do not apply to UD proceedings. [CCP §91(b).]
- **Stay on appeal:** Court has discretion to issue a stay on appeal. [CCP §1176.]